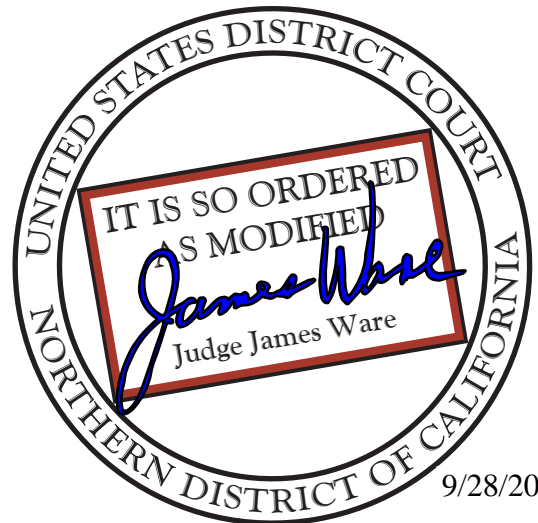


Sean P. DeBruine (SBN 168071)
ALSTON & BIRD LLP
Two Palo Alto Square
3000 El Camino Real, Ste 400
Palo Alto, CA 94306-2112
Phone: (650) 838-2000
Fax: (650) 838-2001
sean.debruine@alston.com

Kristine M. Brown (Georgia SBN 480189)
Matthew D. Richardson (Georgia SBN 231474)
ALSTON & BIRD LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309-3424
Phone: 404-881-7000
Fax: 404-881-7777
kristy.brown@alston.com
matt.richardson@alston.com

Paul Schlaud (Texas SBN 24013469)
Matthew H. Frederick (Texas SBN 24040931)
Reeves & Brightwell
221 West Sixth Street, Ste 1000
Austin, TX 78701-3410
Phone: 512.334.4504
Fax: 512.334.4492
pschlaud@reevesbrightwell.com
mfrederick@reevesbrightwell.com



9/28/2010

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VIVIAN FIORI ARIZA, and ROGGIE
TRUJILLO,

Plaintiffs,

v.

DELL INC., et al.,

Defendants.

Case No. 09 CV 01518 JW

**STIPULATION TO RESCHEDULE
HEARING DATE FOR PRELIMINARY
APPROVAL OF CLASS SETTLEMENT AND
TO RESCHEDULE DATE FOR
SUBMISSION OF PRELIMINARY
APPROVAL MOTION; [PROPOSED]
ORDER**

CLASS ACTION

Assigned to the Honorable Judge James Ware,
Courtroom 8

Action filed April 7, 2009

1 WHEREAS, in their Stipulation to Stay Case, filed April 12, 2010, the parties requested
2 that the Court vacate all pending briefing deadlines and hearing dates and stay this case for 60
3 days to facilitate mediation;

4 WHEREAS, in their Stipulation to Extend Stay of Case, filed June 10, 2010, the parties
5 requested that the stay of this case be extended for a period of 33 days, until July 15, 2010, at
6 which time the parties would advise the Court of the status of settlement discussions and request a
7 further stay, if appropriate.
8

9 WHEREAS, in a Joint Status Report filed July 15, 2010, the parties informed the Court
10 that they had reached a settlement in principle to resolve this case;

11 WHEREAS, on September 15, 2010, the Court entered an Order Vacating Preliminary
12 Pretrial Conference and Setting Hearing for Preliminary Approval of Class Settlement;

13 WHEREAS, in its September 15, 2010 Order the Court set October 18, 2010 at 9:00 a.m
14 as the hearing date for Preliminary Approval of Class Settlement, and further Ordered that the
15 parties shall file their Joint Motion for Preliminary Approval and all supporting documents on
16 October 4, 2010;
17

18 WHEREAS, the parties are still negotiating the details of the settlement and are not yet in
19 a position to execute a formal Settlement Agreement ; in addition, Counsel for Dell is not
20 available for the preliminary hearing on October 18, 2010,
21

22 THEREFORE, the parties hereby stipulate, subject to Court approval, that the hearing
23 date for Preliminary Approval of Class Settlement be set for October 25, 2010, and that the Joint
24 Motion for Preliminary Approval and all supporting documents shall be filed on October 11,
25 2010.
26
27
28

1 DATED this 24th day of Sept., 2010

Respectfully submitted,

2 **REEVES & BRIGHTWELL L.L.P.**

3
4 By /s/ Paul Schlaud

5 Paul Schlaud

6 Matthew H. Frederick

7 ATTORNEYS FOR DEFENDANTS DELL INC.,
8 DELL CATALOG SALES, L.P., DELL
9 PRODUCTS, L.P., DELL MARKETING L.P.,
DELL MARKETING L.P., LLC, DELL
MARKETING G.P., LLC, AND DELL USA L.P.

10 DATED this 24th day of Sept., 2010

STRANGE & CARPENTER

11
12 By /s/ Gretchen Carpenter

13 Brian R. Strange

Gretchen Carpenter

14 ATTORNEYS FOR PLAINTIFFS VIVIAN FIORI
15 ARIZA and ROGGIE TRUJILLO

16 DATED this 24th day of Sept., 2010

ROBERTS RASPE & BLANTON, LLP

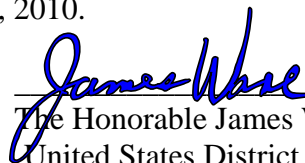
17
18 By /s/ Michael Blanton

19 Michael Blanton

20 ATTORNEYS FOR DEFENDANTS BANCTEC,
21 INC. AND WORLDWIDE TECH SERVICES, LLC

22 PURSUANT TO STIPULATION IT IS ORDERED THAT THE HEARING FOR
23 PRELIMINARY APPROVAL OF CLASS SETTLEMENT IS SET FOR OCTOBER 25, 2010,
24 at 9:00 am. THE JOINT MOTION FOR PRELIMINARY APPROVAL AND SUPPORTING
DOCUMENTS SHALL BE FILED OCTOBER 11, 2010.

25 DATED: September 28, 2010

26 
The Honorable James Ware
United States District Court Judge

FILER'S ATTESTATION

Pursuant to General Order No. 45, Section X(B) regarding signatures, I, Paul Schlaud, attest that concurrence in the filing of this document has been obtained from Gretchen Carpenter and Michael Blanton.

By: /s/ Paul Schlaud
Paul Schlaud

PROOF OF SERVICE

I, the undersigned, declare that I am a resident of the State of Texas, over the age of eighteen years and not a party to the within action. My business address is Reeves & Brightwell, 221 W. 6th Street, Suite 1000, Austin, TX 78701.

On September 24, 2010, I served the following document:

**STIPULATION TO RESCHEDULE HEARING DATE FOR PRELIMINARY
APPROVAL OF CLASS SETTLEMENT AND TO RESCHEDULE DATE FOR
SUBMISSION OF JOINT MOTION FOR PRELIMINARY APPROVAL;
[PROPOSED] ORDER**

X **ELECTRONIC FILING:** the within document, the automatically generated notification for which constitutes service pursuant to General Order 45, Section IX(A) and (B).

Brian R. Strange
lacounsel@earthlink.net
Gretchen Carpenter
gcarpenter@strangeandcarpenter.com
STRANGE & CARPENTER
12100 Wilshire Blvd., Suite 1900
Los Angeles, CA 90025
Telephone: 310-207-5055
Fax: 310-826-3210

Attorneys for Plaintiffs

Randall S. Rothschild
randy.rothschild@verizon.net
12100 Wilshire Blvd., Suite 800
Los Angeles, CA 90025
Telephone: 310-806-9245
Fax: 310-988-2723

Attorney for Plaintiffs

Michael S. Blanton
mblanton@rrblp.com
ROBERTS, RASPE & BLANTON LLP
Union Bank Plaza
445 South Figueroa Street
Suite 3200
Los Angeles, California 90071
Telephone: (213) 430-4777
Fax: (213) 430-4780

Attorney for Defendants BancTec, Inc. and
QualxServ, LLC

 MAIL: by placing a true copy thereof, addressed as set forth below and enclosed in a sealed envelope with postage thereon fully prepaid and deposited for collection and mailing with the U.S. Postal Service pursuant to the ordinary business practice of this office.

 FACSIMILE TRANSMISSION: a true and correct copy transmitted via facsimile to each addressee listed below.

I declare under penalty of perjury under the laws of the State of Texas that the above is true and correct. Executed in Austin, Texas on September 24, 2010.

/s/ Paul Schlaud

Paul Schlaud